

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL A. BAIRD,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 13-5774 RJB-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF #21). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further administrative proceedings before an administrative law judge (ALJ) and a new decision in regard to Plaintiff's application for a period of disability and disability insurance benefits under Title II of the Social Security Act.

This Court recommends that on remand, the ALJ will re-evaluate the objective medical evidence regarding Plaintiff's back impairment, including the opinions of Gordon Cromwell, Jr., M.D., and Brent Packer, M.D. The ALJ will re-assess Plaintiff's credibility and residual functional capacity in light of the above and continue with the remaining steps of the sequential evaluation process.

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1 The parties stipulate that this remand be made pursuant to sentence four of 42 U.S.C. §
2 405(g), and that Plaintiff may be entitled to reasonable attorney fees and costs pursuant to the
3 Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

4 Given the fact of the parties' stipulation, the Court recommends that the District Judge
5 immediately approve this Report and Recommendation and order the case **REVERSED** and
6 **REMANDED**. A proposed order accompanies this Report and Recommendation.
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8 DATED this 3rd day of April, 2014.

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11 Karen L. Strombom
12 United States Magistrate Judge
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